

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE BIOPURE CORPORATION
SECURITIES LITIGATION

)
) Civil Action No. 03-CV-12628-NG
)
)

DEFENDANT RONALD F. RICHARDS' MOTION TO DISMISS THE
CONSOLIDATED CLASS ACTION COMPLAINT

Pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6), the Defendant Ronald Richards ("Richards") hereby moves to dismiss the Consolidated Class Action Complaint in its entirety. In support of the instant Motion to Dismiss, Richards submits herewith a Memorandum of Law in support of the motion. As set forth therein, Plaintiffs' complaint fails to allege specific facts establishing a strong inference of Richards' scienter, as required under the Private Securities Litigation Reform Act of 1995, and fails to allege any actionable statements attributable to Richards. Plaintiffs' control person allegations also fail to state a claim. Consequently, Richards is entitled to judgment dismissing the complaint as a matter of law, with prejudice. In addition to the grounds contained in the accompanying Memorandum of Law, Defendant Richards joins the arguments of Defendants Biopure Corporation, Thomas A. Moore, Carl W. Rausch, Howard P. Richman, Charles A. Sanders, and J. Richard Crout, as set forth in their Memorandum of Law.

WHEREFORE, Richards prays the Court to dismiss Plaintiff's Consolidated Complaint with prejudice, in its entirety.

Respectfully submitted,
RONALD F. RICHARDS
By his Attorneys,

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